

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

NICKEY GREGORY COMPANY, INC. :
: Plaintiff :
: :
v. : : Civil Action No: 3:04CV248
: :
McGEE PRODUCE, INC., et al :
: Defendants :
:

**CONSENT ORDER OVERRULING OBJECTIONS & DISTRIBUTING PACA
ASSETS**

Plaintiff, Nickey Gregory Company, Inc., and intervening plaintiffs W.R. Vernon Produce Company Inc., Capital Produce Distributors, Inc., and General Produce, Inc. (hereafter collectively "plaintiffs"), by and through undersigned counsel, hereby consent to the following:

1. All objections to claims are hereby overruled and all objected-to disputed claims will be deemed valid in full.
2. The Amount of Share Withheld, as set forth in the PACA Claims Chart filed with the Court on February 14, 2005, in the amount of \$2,301.35, will be distributed pro rata in accordance with the Second PACA Trust Chart attached hereto.
3. In accordance with the Court's Order of October 4, 2005, the amount of \$1,500.00 will be distributed to intervening plaintiff Capital Produce Distributors, Inc., and the remaining amount of \$6,332.26 will be distributed to plaintiff Nickey Gregory Company, for reimbursement for costs and fees. See Second PACA Trust Chart.
4. Upon distribution in accordance with this Order, counsel for Nickey Gregory

Company shall be authorized to close the PACA trust account and be discharged from any further responsibilities under the Stipulation and Order for PACA Trust Claims Procedure.

5. All parties to this case have 30 days from the date of entry of this Consent Order to file their Motions for Default. After 30 days, should no Motions for Default be filed, this case will be dismissed without prejudice for lack of prosecution.

6. This Consent Order may be executed in counterparts, and collectively all signed counterparts represent one agreement.

IT IS SO ORDERED.

Signed: October 28, 2005



Graham C. Mullen
Chief United States District Judge

